

Application No. 09/713,780
Amendment dated August 31, 2004
Reply to Office Action of May 18, 2004

REMARKS

Pending Claims:

Claims 4, 5, 9, 10, 25-29, and 30-36 are pending in this application.

Indefiniteness Rejection:

The Examiner has rejected claims 4-10, 25, 27, and 32-33 as indefinite for failing to recite a specific disorder to be treated, asserting the recited "inhibition of angiogenesis" is unclear. Applicants respectfully traverse this rejection.

As described in the specification, the claimed vanadocene compounds have been found to be potent inhibitors of angiogenesis. Inhibiting angiogenesis is asserted in the specification to be useful in non-cancerous disorders, for example, in the treatment of diabetic retinopathy, hemangioams, and restinosis following vascular injury (see for example, page 3, Summary of the Invention; and pages 15- 16). Applicants assert it is not required to list in the claims particular disorders where inhibition of angiogenesis is therapeutically effective. The administration of the compounds of the invention for the purpose of inhibiting angiogenesis has multiple therapeutic indications, as disclosed, for example, at page 3 and pages 15-15. Removal of this rejection is requested.

The Examiner has objected to the use of the ligand "H" in claim 9 as unclear. Claim 9 has been amended to replace the abbreviations with the defined terms shown on pages 5-6. Removal of this rejection is requested. The term "derivatives thereof" has been replaced with "salts thereof" as recited, for example, at page 11.

Enablement Rejection

The Examiner has rejected claims 4-10, 25, and 27-36 as non-enabled for modes of administration where the vanadocene does not make direct contact with the tissue in need of angiogenesis immediately upon administration. The Examiner asserts the specification does not disclose how to administer the claimed angiogenesis inhibitor to the cells of choice while

Application No. 09/713,780
Amendment dated August 31, 2004
Reply to Office Action of May 18, 2004

avoiding tissues where it may not be desired to inhibit angiogenesis. Applicants respectfully traverse this rejection.

Applicant's specification identifies novel inhibitors of angiogenesis, and demonstrates the inhibitory activity *in vitro*. The Examiner does not question that the claimed methods would be effective *in vivo*, but rather questions if the angiogenesis inhibitor can be selectively administered to only those tissues where inhibition is desired. Applicants assert this is not the standard for enablement. Applicant need not teach the most effective or beneficial manner to deliver the angiogenesis inhibitor, but need only teach how to make and use the inhibitors. Furthermore, as the art establishes, experience with angiogenic inhibitors for the treatment of cancers provides guidance for effective administration of various inhibitor molecules. Removal of this rejection is requested.


Summary

In view of the above amendments and remarks, Applicant respectfully requests a Notice of Allowance. If the Examiner believes a telephone conference would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the below-listed telephone number.

Respectfully submitted,

MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, Minnesota 55402-0903
(612) 332-5300

Date: August 31, 2004


Denise M. Kettelberger Ph.D.
Reg. No. 33,924
DMK/EED/lek

23552

PATENT TRADEMARK OFFICE